THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18494 of 2005

22-08-2005

Between:

K.L.Narasaiah

... PETITONERS

AND

The Depot Manager, APSRTC, Narketpally, Nalgonda District.

.....RESPONDENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18494 of 2005

ORDER:

This writ petition is filed aggrieved by the action of the respondent in imposing a major punishment on the petitioner without conducting a regular departmental enquiry.

It is stated that the petitioner was appointed as a Driver in the respondent-Corporation. While working as such, he was charge sheeted on 20.06.1993 for driving the vehicle in a rash and negligent manner and causing accident and was called upon to submit his explanation. Though the petitioner submitted his explanation, the respondent, if not satisfied with the explanation, instead of ordering for a regular departmental enquiry, passed orders imposing major punishment of withholding annual increment for a period of one year with cumulative effect.

The grievance of the petitioner is that such a major punishment cannot be imposed without conducting a regular departmental enquiry. Hence, he sought for setting aside the same.

The learned Standing Counsel appearing for the respondent-Corporation contended that though on merits the order is not sustainable, as the petitioner has come up with the present writ petition with a long delay, he sought for dismissal of the writ petition.

Heard both sides and considered the material on record.

Admittedly, the impugned order passed by the respondent imposing a major punishment without conducting a regular

departmental enquiry is illegal and contrary to the judgments of this Court as well as the Supreme Court. However, as the petitioner approached this Court after long lapse of time, this Court is inclined to modify the impugned order to that of imposing a minor punishment in the place of major punishment.

Accordingly, the impugned order is modified to that of withholding annual increment for a period of one year without cumulative effect. It is made clear that the monetary benefits to which the petitioner is entitled to as a result of this order would be available to him only from the date of this order, but not for the period prior to the date of this order.

The writ petition is accordingly disposed of. No costs.

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22.08.2005

VGB